

U.S. Serial No. 10/736,611
Attorney Docket No. SVED2123

REMARKS/ARGUMENTS

Claim 18 has been amended to incorporate the recitations of claim 19, which has accordingly been cancelled.

Applicants acknowledge the allowance of claims 1-17, with thanks.

The Examiner has rejected device claims 18-27 under 35 U.S.C. § 102 alternatively 35 U.S.C. § 103 as anticipated by or obvious over US 3,808,701 (Bachmann) or US 5,228,775 (Horn et al.). Applicants respectfully traverse these rejections.

The present invention as defined in amended claim 18 relates to a device that is suitable for expanding thermoplastic microspheres and comprises rotatable feeding means enveloped by a hollow body, and one or more scrapers mounted on the feeding means and positioned between the outer radius of the feeding means and the inner surface of the hollow body.

Bachmann discloses an apparatus for drying fluent material comprising an approximately horizontally arranged substantially cylindrical conduit defining therein an internal compartment divided into a supply compartment, a vapor compartment and a discharge compartment. A rotatable feeding means (52, 54) is located in the supply compartment while scraping means (48) are located in the discharge compartment. However, there are no scrapers mounted on the feeding means and positioned between the outer radius of the feeding means and the inner surface of the conduit.

Horn discloses a blender comprising:

(a) an elongated tub having opposed ends and two side-by-side arcuate troughs extending between said ends,

(b) a pair of horizontal, elongated and parallel agitators disposed, one each, in said troughs, said agitators each having a rotatable shaft and a ribbon wound helically around and along each of said shafts for urging products in contact with said ribbons to move lengthwise of said tub when said agitator shafts are rotated,

(c) a plurality of scrapers each having a scraper body with a broad face facing away from one of said shafts, said broad face terminating at two opposed and relatively

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sharp edges along the scraper generally parallel to said shaft, one of which sharp edge is the leading edge and the other of which is the trailing edge depending on the direction of rotation of said shaft,

(d) means for attaching said scrapers at spaced intervals along both of said agitator ribbons for rocking motion of each scraper body about an axis parallel to said shaft and for forcing the leading edges of the scraper bodies into scraping engagement with the arcuate troughs upon rotation of said shafts in either direction;

(e) means for repeatedly reversing the direction of said agitator shafts.

It appears that the blender does not comprise any rotatable feeding means enveloped by a hollow body. In contrast the agitators in Horn are designed to move the material to be treated in opposite directions to obtain maximal mixing.

As shown above, neither prior art document discloses any device comprising rotatable feeding means enveloped by a hollow body, and one or more scrapers mounted on the feeding means and positioned between the outer radius of the feeding means and the inner surface of the hollow body. Furthermore, there are no hints whatsoever in these documents that would motivate one skilled in the art to modify the disclosed devices in such a way.

The Examiner alleges inherency in the prior art. However, his basis for reliance on inherency is not completely understood. As the Examiner himself notes on page three of the Office Action, a rejection based on inherency can be appropriate, but only when the examiner "has explained why the function, property or characteristic is considered inherent..."[emphasis added.] Here the Examiner has provided no explanation as to why applicants' invention is inherent despite the differences between what is claimed and what the prior art teaches. Without such an explanation, the burden of establishing anticipation or obviousness remains with the Examiner.

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The Examiner has accordingly failed to establish either anticipation or a prima facie case of obviousness, and it is requested that claims 18 and 20-27 be allowed along with previously allowed claims 1-17.

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Respectfully submitted,

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